THE BOMBAY REGISTRATION OF MARRIAGES ACT, 1953.

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BOMBAY ACT No. V OF 1954.[1]

[THE BOMBAY REGISTRATION OF MARRIAGES ACT, 1953.]

[*20th January 1954*]

Amended by Bom. 36 of 1955.

An Act to provide for registration of marriages in the State of Bombay.

WHEREAS it is expedient to provide for registration of marriages in the State of Bombay, and for certain other purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Registration of Maraiages Act, 1953.

(*2*) It extends to the whole of the State of Bombay.

(*3*) This section shall come into force at once. The remaining provisions of the Act shall come into force in such area on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) " to contract a marriage " means to solemnize or enter into a marriage in any form or manner ;

(*2*) " marriage " includes re-marriage ;

(*3*) " memorandum " means a memorandum of marriage mentioned in section 5 ;

(*4*) " priest " means any person who solemnizes a marriage ;

(*5*) " register " means a register of marriages maintained under this Act ;

(*6*) " Registrar " means a Registrar of Marriages appointed under this Act ;

(*7*) " Registrar-General " means the Registrar-General of Births, Deaths and Marriages appointed by the State Government for the State of Bombay under the Births, Deaths and Marriages Registration Act, 1886 ;

VI of 1886.

(*8*) " Schedule " means the Schedule to this Act.

Appointment of Registrars of Marriages.

3. The State Government may appoint, either by name or by virtue of their office, so many persons as it thinks necessary to be Registrars of Marriages for such local areas as it may specify.

Every marriage in State to be registered.

4. After the date on which the provisions of this Act have been brought into force in any area under sub-section (*3*) of section 1, every marriage contracted in such area shall be registered in the manner provided in section 5.

Memorandum of marriage.

5. (*1*) The parties to a marriage to which section 4 applies, or their fathers or guardians when they shall not have completed the age of 18 years, shall prepare and sign a memorandum in the form in the Schedule and shall deliver or send by registered post the said memorandum in duplicate to the Registrar of the area, within a period of 30 days from the date of the marriage :

Provided that where the marriage is contracted without the consent of the father or guardian of a party, such party and not the father or guardian shall comply with the provisions of this sub-section.

(*2*) The memorandum shall also be signed by the officiating priest, if any.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 466.

(*3*) The memorandum shall be accompanied by a fee of rupee one.

(*4*) The Registrar shall maintain a register of such marriages. On receipt of the memorandum, the Registrar shall file the same in the register and shall send the duplicate copy thereof to the Registrar-General.

Memorandum of marriage submitted after 30 days.

[1][5A. (*1*) A memorandum regarding any particular marriage may be submitted to the Registrar after the expiry of the period of 30 days specified under sub-section (*1*) of section 5. Such memorandum shall be in the form, and shall be signed, as provided for in section 5 and shall be accompanied by such fee not exceeding rupees ten as may be prescribed. On receipt of such memorandum the Registrar shall file the same in the register and shall also send the duplicate copy thereof to the Registrar-General as provided in section 5.

(*2*) Nothing in sub-section (*1*) shall affect the liability of any person who has wilfully omitted or neglected to deliver or send the memorandum within the period specified in sub-section (*1*) of section 5 to any penalty under section 8.]

Register to be open for public inspection.

6. The register maintained under this Act shall, at all reasonable times, be open to inspection and certified extracts therefrom shall on application be given by the Registrar on payment by the applicant of a fee of rupees two for each such extract.

Non-registration not to invalidate marriage.

7. No marriage contracted in this State and to which this Act applies shall be deemed to be invalid solely by reason of the fact that it was not registered under this Act or that the memorandum was not delivered or sent to the Registrar or that such memorandum was defective, irregular or incorrect.

Penalty for neglecting to comply with provisions of section 5 or for making false statements in memorandum.

8. Any person who—

(*1*) wilfully omits or neglects to deliver or send the memorandum as required by section 5, or

(*2*) makes any statement in such memorandum which is false in any material particular, and which he knows or has reason to believe to be false,

shall, on conviction, be punished with fine which may extend to two hundred rupees.

Penalty for failing to file memorandum.

9. Any Registrar who fails to file the memorandum pursuant to section 5 shall, on conviction, be punished with rigorous imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty for secreting, destroying or altering register.

10. Any person secreting, destroying, or dishonestly or fraudulently altering the register or any part thereof shall, on conviction, be punished with imprisonment for a term which may extend to two years, and shall also be liable to fine.

Registrar to be public servant.

11. Every Registrar shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Indemnity to persons acting under this Act.

12. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

Power to make rules.

13. (*1*) The State Government may, by notification in the *Official Gazette* and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(*a*) the duties and powers of the Registrar ;

[1] This section was inserted by Bom. 36 of 1955, s. 2.

(*b*) the forms and manner in which registers or records required to be kept by or under this Act shall be maintained;

(*c*) the custody in which the registers and records are to be kept and the preservation of such registers and records.

[1][(*d*) the fee to be paid under section 5A.]

III of 1872. XV of 1872. III of 1936.

14. This Act shall not apply to marriages contracted under the Special Marriage Act, 1872, the Indian Christian Marriage Act, 1872, or the Parsi Marriage and Divorce Act, 1936. Savings.

THE SCHEDULE.

FORM.

(*See* section 5.)

Memorandum of Marriage.

1. Date of Marriage.
2. Place of marriage (with sufficient particulars to locate the place).
3. (*a*) Full name of the bridegroom.
   (*b*) His age.
   (*c*) Usual place of residence.
   (*d*) Address.
   (*e*) Status of the bridegroom at the time of marriage whether unmarried / widower / divorced / married, and if so, how many wives are alive.
   (*f*) Signature of the bridegroom, with date.
4. (*a*) Full name of the bride.
   (*b*) Her age.
   (*c*) Usual place of residence.
   (*d*) Address.
   (*e*) Status of the bride at the time of marriage whether unmarried / widow / divorced.
   (*f*) Signature of the bride, with date.
5. (*a*) Full name of the father or guardian of the bridegroom.
   (*b*) His age.
   (*c*) Usual place of residence.
   (*d*) Address.
   (*e*) Signature of the father or guardian of the bridegroom, with date.
6. (*a*) Full name of the father or guardian of the bride.
   (*b*) His age.
   (*c*) Usual place of residence.
   (*d*) Address.
   (*e*) Signature of the father or guardian of the bride, with date.
7. (*a*) Full name of the officiating priest.
   (*b*) His age.
   (*c*) Usual place of residence.
   (*d*) Address.
   (*e*) Signature of the officiating priest, with date.

[1] This clause was added by Bom. 36 of 1955, s. 3.